

Office Memorandum • UNITED STATES GOVERNMENT

TO : MEMORANDUM FOR THE RECORD

DATE: 9 June 1953

FROM :

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SUBJECT: Paragraph 11 of the Agreement Between the U. N. Command and the Communists on Repatriation of Prisoners of the Korean War.

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1. [] OCI, called this morning regarding possible ambiguities in construction of one sentence in Paragraph 11 of the subject agreement. The sentence to which he was referring reads as follows:

"Any prisoners of war who have not exercised their right to be repatriated and for whom no other disposition has been agreed to by the political conference within one hundred and twenty (120) days after the neutral nations repatriation commission has assumed their custody, shall be changed from the P.O.W. status to civilian status by declaration of the neutral nations repatriation commission."

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2. [] was concerned with the potential twists in the construction of the quoted sentence which the Chinese Communists might attempt to utilize for their benefit. He approached us to determine what significance we thought should be given to the language.

3. I informally advised Mr. [] that the change in status given to prisoners of war would appear to have two-fold effect:

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(A) they would be released physically from the custody of the neutral nations repatriation commission and, accordingly, would be free to move about as they so desired subject, however, to whatever restrictions upon their movement might be imposed by the country within whose jurisdiction they were.

(B) the individuals involved would no longer come under the protection of the Geneva Convention and any other international conventions affecting the treatment of prisoners of war.

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4. Mr. [] stated that his discussions with the State Department had revealed an awareness in that department of ambiguities in language but no present desire to make any attempt to resolve the ambiguities until a controversial situation developed.

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